

**THIRD JUDICIAL DISTRICT COURT
COUNTY OF DONA ANA
STATE OF NEW MEXICO**

**D-307-CV-2019-01611
(Miscellaneous)**

IN THE MATTER OF: THE CRIMINAL JUSTICE COORDINATING COUNCIL

Minutes from October 16, 2019 Criminal Justice Coordinating Council

Chair Presiding Judge Norman Osborne called meeting to order at 12:02 p.m.

AGENDA:

Roll Call

1. Review August Minutes
2. Sentencing Commission Grant Award (David Borunda)
3. Officers holding on to Arrest Warrant and not getting it entered into NCIC, subsequent false arrest (Bernice Ramos)
4. Waiver of Six Month Rule, requires defendant's signature and Judge's signature (Bernice Ramos/Chair Osborne)
5. New and Amended Statutes 66-05-39, 66-05-39.2, and 66-08-126(A) (Bernice Ramos)
6. Updating TRACS, log out and log back in so new changes will take effect
7. On-call Warrant Process (NSMP)
8. Proposed By-laws (Chair Osborne)
9. Update on Firearms Policy (Stacey Madson)
10. Pretrial Detention (Michael Stout)

Roll Call

Agency

Representative

Dona Ana Magistrate Court
Anthony Municipal Court

Honorable Norman Osborne
Antonio Cervantes

Honorable Ralph Ramos **Absent**

Hatch Municipal Court

Honorable Shirely Rice **Absent**

Las Cruces Municipal Court

Millisa Caldwell

Joy Goldbaum

Town of Mesilla Municipal Court

Andrea Carbajal

Agency	Representative	
Sunland Park Municipal Court	Honorable Lizette Salinas	
Third Judicial District Attorney's Office	Debora Gerads	
Law Office of Public Defender	Kris Knutson	
	Undersheriff Jamie Quezada	
	Capt. John Day	
Dona Ana Sheriff's Department	Lt. Sam Ramos	
	Lt. Robyn Gojkovich	
	Jeremy Hasa	
Las Cruces Police Department	Deputy Chief Paul Brock	
	Rene Molenda	
	Officer Arellano	
New Mexico State Police Department	Randy Larcher	
	Patrick Bucksath	
	Michael Henke	
New Mexico State University Police Dept	Deputy Chief Andrew Bowen	
Sunland Park Police Department		Absent
Anthony Police Department	Chief Vanessa Lara	
Mesilla Marshall's		Absent
Hatch Police Department	James Gimler	Absent
Dona Ana County Codes Enforcement	Regina Roberts	
Dona Ana County Detention Center	Captain Bryan Baker	
	Daniel H. Peters	
Dona Ana County Defense Bar	Michael Stout	
Mesilla Valley Regional Dispatch	Robert Milks	
CYFD	Richard Johnson	Absent
City of Las Cruces	Joscelyn Garrison	
	Jacob Streeter	
Bailbondsmen	Dario Gomez	
	Lisa Gonzales	
Dona Ana County Compliance	Chelo Guerrero	
Memorial Medical Center	Tenika Sosa-Gonzalez	Absent
La Clinica		
Dona Ana County Health and Human Services	Yolanda Salas	
Attachment Healing Center	Michelle Schilling	
	Auroroa Alvarez	
Community Service Corps	Joel Diemer	
Third Judicial District Court	Jodie Delgado	
	Stacey Madson	
	David Borunda	
Mesilla Valley Community of Hope	Christina Gallardo	
	Nicole Martinez	
Dona Ana Magistrate Court	Carmen Flores Lucero	
	Judge Rebecca Duffin	

Agency	Representative
	Judge Linda Flores Judge Joel Cano Judge Alex Rossario Bernice Ramos Leticia Padilla
La Casa Inc.	Pat Acosta Jessica Barnhill
Sunland Park Municipal Court	Maria Rubio Larissa Duran Al Duran
Defense Attorney	
General member of public	Peter Goodman Earl Nissen

11. Review August Minutes-
Mr. Stout moves adoption,
Judge Cano 2nds
Chair adopts minutes

12. Sentencing Commission Grant Award (David Borunda)- 11 districts awarded money for data sharing platform, Administrators JID of Courts. Socrata is the software. CJCC must identify members. Law Enforcement, DA, Public Defenders. Will allow access to court data. An accommodation based on volume and number of users. NM Sentencing Commission is planning on training and roll out. Bernice sent out email. Send out again on this Friday. A demonstration- can attend in person or via video. We will resend email out. On Oct 29 & 30 there will be a presentation. We will coordinate at magistrate and district court to accommodate a small crowd. We have been given a soft target date of January 1 for implementation. Some further trainings between now and then will occur. Core members will be trained. Sharing agreements and clarifying restrictions will be distributed. PD and DA can run their reports to find out necessary information, which will include related cases, specialty courts. We need to ID prospective stakeholders.

Chief Arrieta: Defense bar will need access, Will inquire about mental health. D. Borunda motions to identify five key members: DA PD, law enforcement, detention center, courts and defense bar.

Motion to accept these as core members for this data sharing platform. Stout seconds motions.

D Borunda, magistrate and district.

Dario Gomez- is this an information program to assist Police with all areas on defendants with status?

D. Borunda- yes, it will extend past this. To include transport orders. Whatever information justice partners are wanting. Could share with bondsman. We can add further as time goes. Grant was written with these six core members.

No opposition.

13. Officers holding on to Arrest Warrant and not getting it entered into NCIC, subsequent false arrest (Bernice Ramos)

Please make sure that officers are getting these entered into NCIC. Bernice gave an example of a bad arrest because a second officer served, despite the warrant having been canceled, and the defendant having a copy of the cancelation on hand during the arrest.

14. Waiver of Six Month Rule, requires defendant's signature and Judge's signature (Bernice Ramos/Chair Osborne)

Judge Osborne reminds the waiver of six-month rule requires the signature of the defendant and the judge. It is a court order, it requires signature of both.

Judge Rosario does not believe members who routinely engage in this practice are present. Encourages them to visit with colleagues.

15. New and Amended Statutes 66-05-39, 66-05-39.2, and 66-08-126(A) (Bernice Ramos)

New Penalties on driving on suspended license.

16. Updating TRACS, log out and log back in so new changes will take effect. Osborne- affects this administratively.

Judge Cano, judges are struggling with these cases. Need field officers to be more detailed.

17. On-call Warrant Process (NSMP)

DA Debora Gerads. Law Enforcement came to her last week. A procedure was issued to law enforcement. Law enforcement is always directed to go to magistrate court. Do not know if they will go federal or not.

Crime Scenes- don't know what you will have. Sometimes it is days or months into the case that it will go federal. If warrants are initiated in magistrate court then feds cannot take them.

Blood DNA to be directed to magistrate court- but there are times blood or DNA taken for federal cases. Need clarification.

That is why there is concerns about directives to go to magistrate court for the vast number of magistrate courts.

Asking to reconsider the directives in terms of most things need to first be directed to magistrate court. Just don't know what will be found until on to the scene, contact with person. Sometimes feds make calls directly to DA. Everything has a potential of going federal.

Chief Judge Arrieta: this was put together by criminal judges. These are guidelines so that we can streamline calls for warrants between magistrate and district court when call is initially made.

If good idea from DA, then go federal, then initially go with district court or magistrate court. Problem, were getting a lot of calls which were magistrate court matters. There was no on call phone when this was written. Did this to streamline things- give it your best guess. Should not be told "no I am not going to respond, call magistrate court." Have 2 judges who handle criminal.

NMSP- still have concerns that district court judges would say they would not sign it and go to magistrate.

Judge Osborne- asks, looks at list of things. How early is DA getting involved? Why not? Should the DA not be in at bottom floor.

DA- not DA's job to direct investigation. Not here for JR Stewart case. That was type of situation that DA was not involved from start.

NMSP- DA was in office that night in office. Majority of cases, NMSP contacts DA right away- like homicides. To assist with search warrants and charges. But cases that do not take a big team, NMSP does not call DA's office, contacts DA's office days later.

Chief Judge Arrieta- will take issues to criminal judges and sit down and see if there is an issue, it will be resolved. Maybe Judge Perea will be at the next CJCC meeting. These are guidelines more than anything.

DASO Quezada- ¾ of career as detective, worked with all federal agencies. Never went through magistrate court, anytime a federal agency was involved

in any way, because of that involvement, a magistrate involvement will not be accepted at a federal court. Reason they would go to district court. Was hoping US attorney's office would have been here today. Does not know if this is just a local issue.

Judge Duffin- reason federal court does not adopt our warrants is because we are not a court of record. There needs to be some guidance. Maybe DA working with AUSA.

DA- investigators have a feeling that this might go federal. Recognize they need to use discretion.

Chief Judge Arrieta will have a discussion with Federal AG's office on acceptance of magistrate court and will they will not.

DASO John Day- on-call is rough and difficult. If there is a guideline that restricts them is not proper. We know why we are going to district court. Have a higher standard of review when we go through district court- so that there are not suppression issues. We know our job- don't limit us or tie our hands when we come to you.

Chief Judge Arrieta- that is a good point. Traffic ticket in the middle of the night/personal use you would not call. Will talk with criminal justice.

From CID division, just coming to district court with homicide cases.

18. Proposed By-laws (Chair Osborne)

Included in agenda packet. Mr. Stout

Chief Judge Arrieta received a set from Alb district. We really have not put committees together.

Rules and Policies Committee for next month

Need to do Open Meetings Act and policies on Data Platform

Give anyone who is interested to join in committee.

Send comments to Bernice

Submit items for agenda to Bernice.

Mr. Stout encourages people to review draft of bylaws. In favor of simplicity- that is his approach. Urges everyone to read the draft for suggestions to committee.

19. Update on Firearms Policy (Stacey Madson)

S. Madson-Three weeks ago had Bernice sent out the updated firearms rule for district and magistrate court. There was confusion. Captain Day and Lt. Ramos sat down and then meeting with Judge Arrieta.

Chief Judge Arrieta- will allow security officers to carry if they have business in courthouse. Uniformed officers on official business are allowed to carry within the courtroom. There was a Judges' policy too, must have a permit and meet minimum qualifications.

Judge Osborne clarifies magistrate and district will be consistent.

Lt Ramos- magistrate status quo, district court (status quo)?

S. Madson- can carry as long as they are not in the courtroom.

Chief Judge Arrieta gives examples of exceptions. Gang members who can have access. If children in courtroom, as authority figure, gun could scare children.

NMSP- is there an expectation to act in any official capacity, in the courtroom.

Chief Judge Arrieta- yes, you can act. Security officers should be there. Will make that clear at next judges' meeting.

20. Pretrial Detention (Michael Stout) raises issue of pretrial detention. Not asking to take action. State v Brown, on issue of bail, most recent amendment on bail. Growing pains on system. Concerning on how system works. Still could be some improvement. How to make system, fair, proper, efficient. Some problems in Las Cruces. Municipal court, people staying in jail for many days with no bail or release conditions. Asks for a committee on how to make suggestions for system to work better and more efficient-agenda issue next month.

Judge Osborne- just informational one. Needs to step away from Chairmanship of this council.

Chief Judge Arrieta- we are to select a chair. Would like to vote at next committee meeting. We should vote for a new chair. Open up for nominations. Talked to Judge Cano- will move his name. Anyone can put name forward. Asks committee to think about it. We will select a new chair. Thanks Judge Osborne for his job.

Mentions on Triage Center- and 12 year history, has 6 page report for county commission. They want to keep triage center as originally purposed- for jail

diversion and community reentry. They have passed several resolutions. Word is county manager would like to change the purpose of it. They have hired a consultant to put together a report on triage center- has 2 p.m appointment. Asking to be put back on agenda

Dario Gomez- asks about situation with Nolle's, and who to go to get answers and results?

Court process-contact Chief Judge by email to Nancy.

Adjourns 1:07 PM

Next Meeting November 20, 2019